

BOARD FOR CONTRACTORS BOARD MEETING

MINUTES

The Board for Contractors met on Tuesday, February 28, 2006 at the Department of Professional and Occupational Regulation (DPOR), 3600 West Broad Street, Richmond, Virginia. The members indicated below were present. Each of the other members present was qualified to vote, except where a specific reason for disqualification is stated. There are 13 members on this board, in which seven constitutes a quorum pursuant to §54.1-1102.

Mark D Kinser, Chair
Anthony Orange, Co-Chair
Deborah Tomlin
Charles W. Falwell
James Hollar
Robert M Kirby
Michael D. Redifer
Wyatt Walton, III
Troy Smith, Jr
Ann Rackas Pate
Kenneth W. Hart
Jeffrey Modisett
Dorothy Wood

Staff members present for all or part of the meeting were

Louise Ware, Director
Brian Hannigan, Chief Deputy
Karen O'Neal, Deputy Director of Regulatory Programs
Eric L. Olson, Executive Director
Kevin Hoeft, Regulatory Boards Administrator
Sheila Watkins, Administrative Assistant
Jeffrey Buckley, Legal Assistant
Joe Haughwout, Legal Assistant
Karen Kenney, Administrative Assistant
Amy Chappell, Legal Analyst Supervisor
Victoria Traylor, Legal Analyst
Earlyne Perkins, Legal Analyst
Nick Christner, Director, Compliance and Investigations
Bonnie Rhea Adams,

Chairman Mark Kinser called the meeting to order at 9 04 a m and declared a of board members was in attendance

**Call
To Order**

A motion was made by **Mr. Redifer** and seconded by **Mr. Modisett** to approve the agenda as written The motion passed unanimously Members voting "Yes" were **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Rackas Pate, Redifer, Smith, Walton, Orange, Wood and Kinser.**

**Approval of
the Agenda**

Mr. Hollar moved to approve the following minutes as submitted from the

**Approval of
Minutes**

January 28, 2006, Contractor Board Meeting
January 10, 2006, Informal Fact Finding Conference
January 11, 2006, Informal Fact Finding Conference
January 12, 2006, Informal Fact Finding Conference
January 19, 2006, Informal Fact Finding Conference

Mr. Orange seconded the motion and it was unanimously approved by members Members voting "Yes" were **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Rackas Pate, Redifer, Smith, Walton, Wood, Orange and Kinser.**

Mr. Hollar moved to approve the following minutes as amended to reflect the following page 10 of the March 1, 2005 minutes need to reflect that case 2004-02684 the Recovery Fund Claim was not paid

**Approval of
Amended 3-
1-05 Board
Minutes**

Mr. Orange seconded the motion and it was approved by unanimous vote with **Mr. Modisett and Ms. Tomlin** abstaining because they were not members of the Board in March of 2005. Members voting "yes" were **Falwell, Hart, Hollar, Kirby, Rackas Pate, Redifer, Smith, Walton Wood, Orange and Kinser**

There was no public comment.

**Public
Comment
Period**

In the matter of License Application File Number 2006-02392, Robert Davis t/a Rob's Glass & Metals, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference

**File Number
2006-02392
Robert Davis**

Mr. Davis appeared at the IFF and the Board meeting He addressed the Board and shared his agreement The presiding Board representative **Ms.**

Mitchell was not present did not participate in the discussion and did not vote After discussion, a motion was made by **Mr. Kirby** and seconded by **Mr. Hollar** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license

The motion was approved by unanimous vote Members voting "Yes" were **Falwell, Hart, Modisett, Tomlin, Hollar, Kinser, Rackas Pate, Walton, Kirby Redifer, Wood, Orange and Smith.** The license was granted

In the matter of License Application File Number 2006-01243, Icon Masonry, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference

**File Number
2006-01243
Icon
Masonry**

No one appeared at the IFF and the Board meeting The presiding Board representative **Ms. Mitchell** was not present, did not participate in the discussion and did not vote After discussion, a motion was made by **Mr. Hollar** and seconded by **Mr. Hart** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license

The motion was approved by unanimous vote Members voting "Yes" were **Falwell, Hart, Modisett, Tomlin, Hollar, Kinser, Rackas Pate, Walton, Kirby Redifer, Wood, Orange and Smith.** The license was granted

In the matter of Disciplinary File Number 2006-01244 Calvin Turner and Jarrett Shifflett, t/a Masonry Contractor, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member

**File Number
2006-01244
Calvin
Turner**

Calvin Turner and Jarrett Shifflett t/a Icon Masonry Contractor (Respondent) attended the IFF Neither the Respondents nor the Complainants appeared at the Board meeting The presiding Board Representative, **Ms. Mitchell** was not present and they did not participate in the discussion and did not vote After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Kirby** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations The Board found **Jarrett Shifflett and Calvin Turner, t/a Icon Masonry** violated the following sections of its 2003 Regulations

Count 1: 18 VAC 50-22-260.B.2

The motion passed unanimously Members voting "Yes" were. **Kinser,**

Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Wood, Tomlin, Rackas Pate, Hart, and Modisett.

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Walton** to impose the following sanctions. \$350 00 monetary penalty for the violation of (Count 1). A total monetary penalty of \$350 00 is imposed As to Count 1 the Board voted to require a member of Responsible Management of Calvin Turner and Jarrett Shifflett to successfully complete and pass the examination for the Board's Basic Contractor Licensing class (remedial education) within six (6) months of the entry of the final order The motion was approved by a unanimous vote Members voting "Yes" were **Kinser, Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Wood, Tomlin, Rackas Pate, Hart, and Modisett.**

As the presiding Board Representative, **Ms. Mitchell** was not present and did not vote."

In the matter of License Application File Number 2006-02185, Franklin Delano Rowe, Jr. t/a Frank Rowe Carpentry, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference

File Number
2006-02185
Franklin
Delano
Rowe, Jr.

Mr. Rowe appeared at the IFF but not the Board meeting The presiding Board representative **Ms. Mitchell** was not present, did not participate in the discussion and did not vote After discussion, a motion was made by **Mr. Falwell** and seconded by **Mr. Hollar** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and deny the license

The motion was approved by unanimous vote Members voting "Yes" were **Falwell, Hart, Modisett, Tomlin, Hollar, Kinser, Rackas Pate, Walton, Kirby Redifer, Wood, Orange and Smith.** The license was denied

In the matter of License Application File Number 2006-02186, Kyle Matthew Cantu t/a Those Two Guys, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference

File Number
2006-02186
Kyle
Matthew
Cantu

Mr. Cantu appeared at the IFF but not the Board meeting The presiding Board representative **Ms. Mitchell** was not present did not participate in the discussion and did not vote After discussion, a motion was made by **Mr. Hollar** and seconded by **Mr. Falwell** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license

The motion was approved by unanimous vote. Members voting "Yes" were **Falwell, Hart, Modisett, Tomlin, Hollar, Kinser, Rackas Pate, Walton, Kirby Redifer, Wood, Orange and Smith.** The license was granted.

In the matter of License Application File Number 2006-02296, Walter Cashwell, Jr. t/a Wally's Home Improvement, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number
2006-02296
Walter
Cashwell, Jr.**

Mr. Cashwell appeared at the IFF and the Board meeting. He addressed the Board and shared his agreement. The presiding Board representative **Ms. Mitchell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Redifer** and seconded by **Mr. Walton** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved by a majority vote. Members voting "Yes" were **Falwell, Modisett, Orange, Wood, Tomlin, Kinser, Walton, Redifer and Smith.** Members voting "no" were **Hart, Kirby, Hollar and Rackas Pate.** The license was granted.

In the matter of License Application File Number 2006-02297, Robert Oxendine, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number
2006-02297
Robert
Oxendine**

Mr. Oxendine appeared at the IFF and the Board meeting. He addressed the Board and shared his agreement. The presiding Board representative **Ms. Mitchell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Falwell** and seconded by **Mr. Smith** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved by a majority vote. Members voting "Yes" were **Falwell, Modisett, Orange, Tomlin, Kirby, Kinser, Rackas Pate, Walton, Redifer and Smith.** Members voting "no" were **Hart, Hollar and Wood.** The license was granted.

In the matter of License Application File Number 2006-02394, William Bowler, Inc., the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-

**File Number
2006-02394
William**

Finding Conference

Bowler, Inc.

Mr. Bowler appeared at the IFF and the Board meeting. He addressed the Board and shared his agreement. The presiding Board representative **Ms. Mitchell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Redifer** and seconded by **Ms. Rackas** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved by a majority vote. Members voting "Yes" were **Falwell, Modisett, Orange, Wood, Hart, Tomlin, Kinser, Walton, Rackas Pate, Redifer and Smith**. Members voting "no" were **Kirby and Hollar**. The license was granted.

In the matter of License Application File Number 2006-02648, **Thomas Healy t/a TLC Home Repair**, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2006-02648
Thomas
Healy

Mr. Healy appeared at the IFF but not the Board meeting. The presiding Board representative **Ms. Mitchell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Hollar** and seconded by **Mr. Falwell** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved by a majority vote. Members voting "Yes" were **Falwell, Hollar, Orange, Tomlin, Kinser, Walton, Redifer, Kirby, and Smith**. Members voting "no" were **Hart, Wood, Modisett and Rackas Pate**. The license was granted.

In the matter of License Application File Number 2006-02649, **Ross Jamison, t/a Jamison Construction**, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2006-02649
Ross
Jamison

Mr. Jamison appeared at the IFF and the Board meeting. He addressed the Board and shared his agreement. The presiding Board representative **Ms. Mitchell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Hollar** and seconded by **Ms. Rackas Pate** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved by a unanimous vote. Members voting "Yes"

were **Falwell, Modisett, Orange, Wood, Hart, Tomlin, Kinser, Walton, Rackas Pate, Redifer, Smith, Kirby, and Hollar.**
The license was granted.

In the matter of License Application File Number 2006-02650, Daniel Hogan, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference

**File Number
2006-02650
Daniel
Hogan**

Mr. Hogan appeared at the IFF and the Board meeting. He addressed the Board and shared his agreement. The presiding Board representative **Ms. Mitchell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Orange** and seconded by **Mr. Smith** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved by a majority vote. Members voting "Yes" were **Falwell, Modisett, Orange, Wood, Hart, Tomlin, Kinser, Walton, Rackas Pate, Redifer, Kirby, and Smith.** Members voting "no" were **Mr. Hollar.** The license was granted.

In the matter of License Application File Number 2006-02651, Timothy Chamberlain, t/Timothy's Home Improvement, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference

**File Number
2006-02651
Timothy
Chamberlain**

Mr. Chamberlain appeared at the IFF and the Board meeting. He addressed the Board and shared his agreement. The presiding Board representative **Ms. Mitchell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Orange** and seconded by **Walton** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved by a unanimous vote. Members voting "Yes" were **Falwell, Modisett, Orange, Wood, Hart, Tomlin, Kinser, Walton, Rackas Pate, Redifer, Kirby, Hollar and Smith.** The license was granted.

Mr. Falwell offered a motion seconded by **Ms. Rackas Pate** to recess 10:30 A.M. The motion passed by a unanimous vote. Members voting "yes" were: **Kinser, Orange, Falwell, Hollar, Kirby, Redifer, Walton, Wood, Smith, Rackas Pate, Hart, Modisett, and Tomlin.**

Recess

Mr. Kinser called the meeting back to order at 11:00 A.M.

**Call to
Order**

Nick Christner introduced his new Director for the Criminal Field Investigation Division, Mr. Cedric Lawrence.

**Introduction
of staff
member**

In the matter of Disciplinary File Number 2006-00324 Jon C. Smith & Mike Spragg, t/a S & S Construction, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member

**File Number
**2006-00324
Jon C. Smith
& Mike
Spragg****

Jon Smith and Mike Spragg (Respondent) and Donald Edelmayer and Helen Edelmayer (Complainants) appeared at the IFF Neither the Respondents nor the Complainants appeared at the Board meeting The presiding Board Representatives, Ms. Wood and Ms. Tomlin were not present and they did not participate in the discussion and did not vote After discussion a motion was made by Mr. Kirby and seconded by Mr. Redifer to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations The Board found Jon C. Smith & Mike Spragg, t/a S & S Construction violated the following sections of its 2003 and 2005 Regulations.

2003 Regulations

Count 1: 18 VAC 50-22-260.B.9

Count 2: 18 VAC 50-22-260.B.6

2005 Regulations

Count 3: 18 VAC 50-22-260.B.13

The motion passed unanimously Members voting "Yes" were Kinser, Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Rackas Pate, Hart, and Modisett.

After discussion a motion was made by Mr. Kirby and seconded by Mr. Redifer to impose the following sanctions \$350.00 monetary penalty for the violation of (Count 1), \$500 00 monetary penalty for the violation (Count 2), and \$500 00 monetary penalty for the violation of (Count 3) A total monetary penalty of \$1,350 00 is imposed As to Count 1, Count 2, and Count 3, the Board voted to require a member of Responsible Management of Jon C Smith & Mike Spragg to successfully complete and pass the examination for the Board's Basic Contractor Licensing class (remedial education) within six (6) months of the entry of the final order The motion was approved by a unanimous vote Members voting "Yes" were Kinser,

Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Rackas Pate, Hart, and Modisett.

As the presiding Board Representatives, Ms. Wood and Ms. Tomlin were not present and did not vote.”

In the matter of Disciplinary File Number 2005-02080 Carl Miller, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member

**File Number
2005-02080
Carl Miller**

Neither Carl Miller (Respondent), nor anyone on his behalf appeared at the IFF or the Board meeting. **Linda Meehan (Complainant)** appeared at the IFF, but not the Board meeting. The presiding Board Representatives, **Ms. Wood and Ms. Tomlin** were not present and they did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Redifer** and seconded by **Ms. Rackas Pate** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Carl Miller** violated the following sections of its 2001 Regulations

Count 1: 18 VAC 50-22-230.A (Two Violations)

Count 2: 18 VAC 50-22-260.B.28

Count 3: 18 VAC 50-22-260.B.22

Count 4: 18 VAC 50-22-260.B.23

The motion passed unanimously. Members voting “Yes” were **Kinser, Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Rackas Pate, Hart, and Modisett.**

After discussion a motion was made by **Mr. Redifer** and seconded by **Ms. Rackas Pate** to impose the following sanctions: \$500.00 (Two Violations \$250.00 each) monetary penalty for the violation (Count 1), \$2,000.00 monetary penalty and revocation of the license (2705-065368) for the violation of (Count 2), and \$500.00 monetary penalty for the violation of (Count 4). A total monetary penalty of \$3,000.00 is imposed. As to Count 1 the Board voted to require a member of Responsible Management of **Carl Miller** to successfully complete and pass the examination for the Board’s Basic Contractor Licensing class (remedial education) within six (6) months of the entry of the final order. As to Count 3, the Board voted to impose no monetary penalty for the violation of the regulation. The motion was approved by a unanimous vote. Members voting “Yes” were: **Kinser, Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Rackas Pate, Hart, and Modisett.**

As the presiding Board Representatives, **Ms. Wood and Ms. Tomlin** were not present and did not vote.”

In the matter of Disciplinary File Number 2004-03506 Rodger M. Cooper, t/a RMC Enterprises the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member

**File Number
2004-03506
Rodger M.
Cooper**

Neither Rodger M. Cooper (Respondent), nor anyone on his behalf appeared IFF or the Board meeting. The presiding Board Representatives, **Ms. Wood and Ms. Tomlin** were not present and they did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Orange** and seconded by **Mr. Hart** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Rodger M. Cooper** violated the following sections of its 2003 Regulations

Count 1: 18 VAC 50-22-260.B.22

Count 2: 18 VAC 50-22-260.B.23

The motion passed unanimously. Members voting "Yes" were **Kinser, Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Rackas Pate, Hart, and Modisett.**

After discussion a motion was made by **Mr. Kirby** and seconded by **Mr. Redifer** to impose the following sanctions: \$350.00 monetary penalty for the violation of (Count 2). A total monetary penalty of \$350.00 is imposed. As to Count 1, the Board voted to impose no monetary penalty. Also the Board voted to require a member of Responsible Management of **Rodger M. Cooper** to successfully complete and pass the examination for the Board's Basic Contractor Licensing class (remedial education) within six (6) months of the entry of the final order. The motion was approved by a unanimous vote. Members voting "Yes" were **Kinser, Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Rackas Pate, Hart, and Modisett.** As the presiding Board Representative, **Ms. Wood and Ms. Tomlin** were not present and did not vote."

In the matter of Disciplinary File Number 2004-04392 Henry Carroll, t/a DNH Paving, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member

**File Number
2004-04392
Henry
Carroll**

Neither Henry Carroll (Respondent), nor anyone on his behalf appeared at the IFF or the Board meeting. The presiding Board Representatives, **Ms. Wood and Ms. Tomlin** were not present and they did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Kirby** and seconded by **Mr. Orange** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this

matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Henry Carroll** violated the following sections of its 2001 and 2003 Regulations:

2001 Regulations

Count 1: 18 VAC 50-22-260.B.9

2003 Regulations

Count 2: 18 VAC 50-22-260.B.28

The motion passed unanimously. Members voting "Yes" were **Kinser, Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Rackas Pate, Hart, and Modisett.**

After discussion a motion was made by **Mr. Kirby** and seconded by **Mr. Falwell** to impose the following sanctions: \$500.00 monetary penalty for the violation of (Count 1); \$2,500.00 monetary penalty and revocation of the license (2705-068303) for the violation (Count 2). A total monetary penalty of \$3,000.00 is imposed. As to Count 1 and Count 2 the Board voted to require a member of Responsible Management of **Henry Carroll** to successfully complete and pass the examination for the Board's Basic Contractor Licensing class (remedial education) within six (6) months of the entry of the final order. The motion was approved by a unanimous vote. Members voting "Yes" were: **Kinser, Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Rackas Pate, Hart, and Modisett.** As the presiding Board Representative, **Ms. Wood** and **Ms. Tomlin** were not present and did not vote."

In the matter of Disciplinary File Number 2005-04679 Bill's Construction, Inc. of Accomac, t/a Bill's Construction, Inc. of Accomac the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member

File Number
2005-04679
Bill's
Construction
Inc. of
Accomac

Neither Bill's Construction, Inc. of Accomac (Respondent), nor anyone on its behalf appeared at the IFF or the Board meeting. The presiding Board Representatives, **Ms. Wood** and **Ms. Tomlin** were not present and they did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Falwell** and seconded by **Mr. Modisett** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Bill's Construction, Inc. of Accomac** violated the following sections of its 2003 Regulations:

Count 1: 18 VAC 50-22-260.B.10

Count 2: 18 VAC 50-22-260.B.5

Count 3: 18 VAC 50-22-220.A

Count 4: 18 VAC 50-22-260.B.13

Count 5: 18 VAC 50-22-260.B.12

The motion passed unanimously. Members voting "Yes" were **Kinser, Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Rackas Pate, Hart, and Modisett.**

After discussion a motion was made by **Mr. Falwell** and seconded by **Mr. Walton** to impose the following sanctions: \$300.00 monetary penalty for the violation of (Count 1), \$2,000.00 monetary penalty and revocation of the license (2701-037026) for the violation of (Count 2), \$500.00 monetary penalty for the violation of (Count 3), and \$1,500.00 monetary penalty and revocation of the license (2701-037026) for the violation of (Count 4). A total monetary penalty of \$4,300.00 is imposed. As to Count 5 the Board voted to impose no monetary penalty in light of the sanction imposed for Count 4. The motion was approved by a unanimous vote. Members voting "Yes" were **Kinser, Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Rackas Pate, Hart, and Modisett.**

As the presiding Board Representative, **Ms. Wood** and **Ms. Tomlin** were not present and did not vote."

In the matter of Disciplinary File Number 2005-01814 Atlantic Structures Corporation, t/a Atlantic Structures Corporation, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member

File Number
2005-01814
Atlantic
Structures
Corporation

Neither Atlantic Structures Corporation (Respondent), nor anyone on his behalf appeared at the IFF or the Board meeting. **Marvin Locklear (Complainant)** appeared at the IFF, but not the Board meeting. The presiding Board Representative, **Ms. Wood** was not present and they did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Kirby** and seconded by **Mr. Smith** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Atlantic Structures Corporation** violated the following sections of its 2003 Regulations:

Count 1: 18 VAC 50-22-210.3

Count 2: 18 VAC 50-22-260.B.28

The motion passed unanimously. Members voting "Yes" were **Kinser, Orange, Falwell, Hollar, Kirby, Redifer, Tomlin, Walton, Smith, Rackas Pate, Hart, and Modisett.**

After discussion a motion was made by **Mr. Kirby** and seconded by **Mr.**

Redifer to impose the following sanctions \$500 00 monetary penalty for the violation of (Count 1) and \$2,500 00 monetary penalty and revocation of the license (2705-075123) for the violation (Count 2) A total monetary penalty of \$3,000 00 is imposed The motion was approved by a unanimous vote Members voting "Yes" were **Kinser, Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Rackas Pate, Hart, Tomlin, and Modisett.** As the presiding Board Representative, **Ms. Wood** was not present and did not vote."

In the matter of Disciplinary File Number 2005-03197 Terry W. Roland, t/a Deck's Plus, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member

File Number
2005-03197
Terry W.
Roland

Neither Terry W. Roland (Respondent), nor anyone on his behalf appeared at the IFF or the Board meeting The presiding Board Representative, **Ms. Wood** and **Mr. Redifer** were not present and they did not participate in the discussion and did not vote After discussion a motion was made by **Mr. Falwell** and seconded by **Ms. Rackas Pate** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations The Board found **Terry W. Roland** violated the following sections of its 2003 Regulations

Count 1: 18 VAC 50-22-260.B.2

Count 2: 18 VAC 50-22-260.B.28

Count 3: 18 VAC 50-22-260.B.13

The motion passed unanimously Members voting "Yes" were **Kinser, Orange, Falwell, Hollar, Kirby, Rackas Pate, Walton, Smith, Rackas Pate, Hart, and Modisett.**

After discussion a motion was made by **Mr. Falwell** and seconded by **Mr. Kirby** to impose the following sanctions \$500 00 monetary penalty for the violation of (Count 1), \$2,000 00 monetary penalty and revocation of the license (2705-090087) for the violation of (Count 2), and \$1,300 00 monetary penalty and revocation of the license (2705-090087) for the violation of (Count 3) A total monetary penalty of \$3,800 00 is imposed The motion was approved by a unanimous vote. Members voting "Yes" were: **Kinser, Orange, Falwell, Hollar, Kirby, Walton, Tomlin, Smith, Rackas Pate, Hart, and Modisett.**

As the presiding Board Representative, **Ms. Wood** and **Mr. Redifer** were not present and did not vote."

In the matter of Disciplinary File Number 2005-04656 Custom Deluxe, LLC, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member

File Number
2005-04656
Custom
Deluxe, LLC

Neither Custom Home Deluxe, LLC (Respondent), nor anyone on its behalf appeared at the IFF or the Board meeting. The presiding Board Representative, Ms. Wall and Mr. Redifer were not present and they did not participate in the discussion and did not vote. After discussion a motion was made by Mr. Falwell and seconded by Mr. Kirby to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found Custom Deluxe, LLC violated the following sections of its 2003 and 2005 Regulations

2003 Regulations

Count 1: 18 VAC 50-22-260.B.8 (Five Violations)

Count 2: 18 VAC 50-22-260.B.9 (Five Violations)

Count 3: 18 VAC 50-22-260.B.14

2005 Regulations

Count 4: 18 VAC 50-22-230.B

The motion passed unanimously. Members voting "Yes" were Kinser, Orange, Falwell, Hollar, Kirby, Walton, Smith, Rackas Pate, Tomlin, Wood, Hart, and Modisett.

After discussion a motion was made by Mr. Falwell and seconded by Mr. Smith to impose the following sanctions. \$2,000.00 monetary penalty (\$400.00 each violation) for five violations of (Count 1), \$3,500.00 monetary penalty (\$700.00 each violation) for five violations of (Count 2), \$2,000.00 monetary penalty for the violation of (Count 3), and \$500.00 monetary penalty for the violation of (Count 4). A total monetary penalty of \$8000.00 is imposed. As to Count 1 and Count 2 the Board voted to require a member of Responsible Management of Custom Deluxe, LLC to successfully complete and pass the examination for the Board's Basic Contractor Licensing class (remedial education) within six (6) months of the entry of the final order. Also the Board voted to impose revocation of the license (2705-084298) for the violation of Count 3 and Count 4. The motion was approved by a unanimous vote. Members voting "Yes" were Kinser, Orange, Falwell, Hollar, Kirby, Tomlin, Wood, Walton, Smith, Rackas Pate, Hart, and Modisett.

As the presiding Board Representative, Ms. Wall and Mr. Redifer were not present and did not vote."

In the matter of Disciplinary File Number 2005-00398 East Coast Abatement Co., Inc., the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2005-00398
East Coast
Abatement
Co., Inc.

Richard Webb (Respondent), and **Benjamin Hubbard**, Respondent's Attorney appeared at the IFF but not the Board meeting. The presiding Board Representative, **Ms. Wall** and **Mr. Redifer** were not present and they did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Orange** and seconded by **Mr. Falwell** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **East Coast Abatement Co., Inc.** violated the following sections of its 2003 Regulations

Count 1: 18 VAC 50-22-260.B.24

The motion passed by a majority vote. Members voting "Yes" were. **Orange, Falwell, Hollar, Rackas Pate, Walton, Smith, Tomlin, Hart, and Modisett.** **Mr. Kirby, Mr. Kinser, and Ms. Wood** voted "no."

After discussion a motion was made by **Mr. Walton** and seconded by **Mr. Orange** to impose no monetary penalty for the violation of the Regulation. The motion was approved by a majority vote. Members voting "Yes" were **Orange, Falwell, Hollar, Walton, Tomlin, Smith, Rackas Pate, Hart, and Modisett.** **Mr. Kirby, Mr. Kinser and Ms. Wood** voted "no." As the presiding Board Representative, **Ms. Wall** and **Mr. Redifer** were not present and did not vote."

In the matter of Disciplinary File Number 2005-02876 Air Biz, Inc., t/a Air Biz, Inc., the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member

File Number
2005-02876
Air Biz, Inc.

Neither Air Biz, Inc. (Respondent), nor anyone on its behalf appeared at the IFF or the Board meeting. The presiding Board Representative, **Mr. Orange** was not present and he did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Hollar** and seconded by **Ms. Rackas Pate** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Air Biz, Inc.** violated the following sections of its 2003 Regulations

Count 1: 18 VAC 50-22-220.A

Count 2: 18 VAC 50-22-220.B
Count 3: 18 VAC 50-22-220.C
Count 4: 18 VAC 50-22-260.B.13

The motion passed unanimously. Members voting "Yes" were **Kinser, Tomlin, Wood, Falwell, Hollar, Kirby, Rackas Pate, Walton, Smith, , Hart, Redifer, and Modisett.**

After discussion a motion was made by **Mr. Walton** and seconded by **Mr. Redifer** to impose the following sanctions: \$250.00 monetary penalty and suspension of the license (2705-067276) until Air Biz, Inc. provides the Board with proof of its change of corporate officers for the violation of (Count 1), \$250.00 monetary penalty and suspension of the license until Air Biz, Inc. provides the Board with a Designated Employee that meets the requirements of the Board's Regulations for the violation of (Count 2), \$250.00 monetary penalty and suspension of the license until Air Biz, Inc. provides the Board with a Qualified Individual that meets the requirements of the Board's Regulations for the violation of (Count 3) and \$1,500.00 monetary penalty for the violation of (Count 4). A total monetary penalty of \$2,250.00 is imposed. The motion was approved by a unanimous vote. Members voting "Yes" were **Kinser, Falwell, Hollar, Kirby, Walton, Tomlin, Smith, Rackas Pate, Hart, Wood, Redifer, and Modisett.**

As the presiding Board Representative, **Mr. Orange** was not present and did not vote."

In the matter of Disciplinary File Number 2005-04481 Chesapeake Bay Builders, Inc., t/a Chesapeake Bay Builders, Inc. the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member

File Number
2005-04481
Chesapeake
Bay
Builders,
Inc.

Neither Chesapeake Bay Builders, Inc. (Respondent), nor anyone on its behalf appeared at the IFF or the Board meeting. The presiding Board Representative, **Ms. Wall** and **Mr. Redifer** were not present and they did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Orange** and seconded by **Ms. Wood** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Chesapeake Bay Builders, Inc.** violated the following sections of its 2003 Regulations.

Count 1: 18 VAC 50-22-210.3
Count 2: 18 VAC 50-22-260.B.9
Count 4: 18 VAC 50-22-260.B.27 (Two Violations)

Count 5: 18 VAC 50-22-230.A
Count 6: 18 VAC 50-22-260.B.9 (Two Violations)
Count 7: 18 VAC 50-22-260.B.27
Count 8: 18 VAC 50-22-260.B.15
Count 9: 18 VAC 50-22-260.B.16
Count 10: 18 VAC 50-22-260.B.5
Count 11: 18 VAC 50-22-260.B13
Count 12: 18 VAC 50-22-260.B.12
Count 13: 18 VAC 50-22-260.B.28

The motion passed unanimously. Members voting "Yes" were **Kinser, Orange, Falwell, Hollar, Kirby, Tomlin, Walton, Smith, Rackas Pate, Hart, Wood, and Modisett.**

After discussion a motion was made by **Mr. Falwell** and seconded by **Mr. Walton** to impose the following sanctions: \$500.00 monetary penalty for the violation of (Count 1), \$400.00 monetary penalty for the violation of (Count 2), 1,800.00 monetary penalty (Two Violations \$900.00 each) for the violation of (Count 4), \$500.00 monetary penalty for the violation of (Count 5), \$1,200.00 monetary penalty (Two Violations \$600.00 each) for the violation of (Count 6), \$900.00 monetary penalty for the violation of (Count 7); \$1,900.00 monetary penalty for the violation of (Count 8), \$2,200.00 monetary penalty for the violation of (Count 9), \$1,500.00 monetary penalty for the violation of (Count 10); \$1,400.00 monetary penalty for the violation of (Count 11), \$900.00 monetary penalty for the violation of (Count 12), and \$2,200.00 monetary penalty for the violation of (Count 13). A total monetary penalty of \$15,400.00 is imposed. As to Count 2 and Count 6, the Board voted to require a member of Responsible Management of Chesapeake Bay Builders, Inc. to complete and pass the examination for the Board's Basic Contractor Licensing class (remedial education). The Board also voted for revocation of the license (2705-064929) for the violation of Count 1, Count 8, Count 9, Count 10, Count 11, Count 12 and Count 13. As to Count 3, the Board voted for no violation. The motion was approved by a unanimous vote. Members voting "Yes" were **Kinser, Orange, Falwell, Hollar, Kirby, Walton, Tomlin, Smith, Rackas Pate, Hart, Wood, and Modisett.** As the presiding Board Representatives, **Ms. Wall** and **Mr. Redifer** were not present and did not vote."

In the matter of Consent Order File Number 2006-00274, Board v. Jim Barletto, t/a Academy Enterprises, the board reviewed the Consent Order. Jim Barletto, t/a Academy Enterprises acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-260.B.29 \$1,500.00 (Three Violations @ \$500.00 per Violation). A total monetary penalty of \$1,500.00 is hereby imposed. It is

File Number
2006-00274
Jim Barletto

noted that Jim Barletto successfully completed and passed the examination for the Board's Basic Contractor Licensing class (remedial education). Jim Barletto, t/a Academy Enterprises also agrees to pay \$150.00 in Board costs.

Upon a motion by Falwell seconded by Hollar the board ratified the consent order with a unanimous vote Members voting "Yes" were Kinser, Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Rackas Pate, Hart, Modisett, Wood, and Tomlin.

In the matter of Consent Order File Number 2006-00951, Board v. Thomas Martin Simon, t/a Thomas Martin's Custom Decorating, the board reviewed the Consent Order Thomas Martin Simon, t/a Thomas Martin's Custom Decorating acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-260.B.9 \$100.00 and Count 2: 18 VAC 50-2-260.B.27 \$650.00. A total monetary penalty of \$750.00 is hereby imposed. In addition, for the violation of Count 1 Thomas Martin Simon agrees to successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. Thomas Martin Simon also agrees to pay \$150.00 in Board costs.

File Number
2006-00951
Thomas
Martin
Simon

Upon a motion by Falwell seconded by Hollar the board ratified the consent order with a unanimous vote Members voting "Yes" were Kinser, Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Rackas Pate, Hart, Modisett, Wood, and Tomlin.

In the matter of Consent Order File Number 2006-00428, Board v. Thompson Construction Incorporated, the board reviewed the Consent Order Thompson Construction Incorporated acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-260.B.29 \$700.00. A total monetary penalty of \$700.00 is hereby imposed. In addition, for the violation of Count 1, Thompson Construction Incorporated agrees to successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. Thompson Construction Incorporated also agrees to pay \$150.00 in Board costs.

File Number
2006-00428
Thompson
Construction
Incorporated

Upon a motion by Falwell seconded by Hollar the board ratified the consent order with a unanimous vote Members voting "Yes" were Kinser, Orange,

Falwell, Hollar, Kirby, Redifer, Walton, Smith, Rackas Pate, Hart, Modisett, Wood, and Tomlin.

In the matter of Consent Order File Number 2006-01096, Board v. Thompson Construction Incorporated the board reviewed the Consent Order Thompson Construction Incorporated acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board: **Count 1: 18 VAC 50-22-260.B.9 \$350.00. A total monetary penalty of \$350.00 is hereby imposed. In addition, for the violation of Count 1 Thompson Construction Incorporated, agrees to successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. Thompson Construction Incorporated also agrees to pay \$150.00 in Board costs.**

**File Number
2006-01096
Thompson
Construction
Incorporated**

Upon a motion by Falwell seconded by Hollar the board ratified the consent order with a unanimous vote Members voting "Yes" were. **Kinser, Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Rackas Pate, Hart, Modisett, Wood, and Tomlin.**

In the matter of Consent Order File Number 2006-0334, R & G All American Floors Sanding, Inc, t/a R & G All American Floors Sanding, Inc., the board reviewed the Consent Order R & G All American Floors Sanding, Inc. acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board **Count 1: 18 VAC 50-22-260.B.6 \$100.00 A total monetary penalty of \$100.00 is hereby imposed. In addition, for the violation of Count 1 R & G All American Floors Sanding, Inc. agrees to successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. R & G All American Floors Sanding, Inc. also agrees to pay \$150.00 in Board costs.**

**File Number
2005-03334
R & G All
American
Floors
Sanding, Inc.**

Upon a motion by Falwell seconded by Hollar the board ratified the consent order with a unanimous vote Members voting "Yes" were **Kinser, Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Rackas Pate, Hart, Modisett, Wood, and Tomlin.**

In the matter of Consent Order File Number 2005-04423, Board v. Kite Construction Incorporated, t/a Kite Construction Incorporated, the board reviewed the Consent Order. Kite Construction Incorporated acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-260.B.8 \$350.00; Count 2: 18 VAC 50-22-260.B.10 \$150.00 and Count 3: 18 VAC 50-22-260.B.27 \$650.00. A total monetary penalty of \$1,150.00 is hereby imposed. In addition, for the violation of Count 1 and 2, Kite Construction Incorporated agrees to successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. Kite Construction Incorporated also agrees to pay \$150.00 in Board costs.

**File Number
2005-04423
Kite
Construction
Incorporated**

Upon a motion by Falwell seconded by Hollar the board ratified the consent order with a unanimous vote Members voting "Yes" were Kinser, Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Rackas Pate, Hart, Modisett, Wood, and Tomlin.

In the matter of Consent Order File Number 2006-01781, Board v. Bruce E. Berkheimer, t/a Bruce Evan Berkheimer, the board reviewed the Consent Order Bruce E. Berkheimer, t/a Bruce Evan Berkheimer acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-260.B.27 \$600.00. A total monetary penalty of \$600.00 is hereby imposed. In addition, for the violation of Count 1, Bruce E. Berkheimer, t/a Bruce Evan Berkheimer agrees to successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. Bruce E. Berkheimer, t/a Bruce Evan Berkheimer also agrees to pay \$150.00 in Board costs.

**File Number
2006-01781
Bruce E.
Berkheimer**

Upon a motion by Falwell seconded by Hollar the board ratified the consent order with a unanimous vote Members voting "Yes" were Kinser, Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Rackas Pate, Hart, Modisett, Wood, and Tomlin.

In the matter of Consent Order File Number 2006-00628, Board v. Martie L. Taffer, t/a Martie @t Your Service, the board reviewed the Consent Order Martie L. Taffer, t/a Martie @t Your Service acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-260.B.6 \$600.00; Count 2:

**File Number
2006-00628
Martie L.
Taffer**

8 VAC 50-22-260.B.8 \$0.00 and Count 3: 18 VAC 50-22-260.B.29 \$600.00. A total monetary penalty of \$1,200.00 is hereby imposed. In addition, for the violation of Count 2, Marite L. Taffer agrees to successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. Chantilly Excavating & Paving Corporation also agrees to pay \$150.00 in Board costs.

Upon a motion by Falwell seconded by Hollar the board ratified the consent order with a unanimous vote Members voting "Yes" were **Kinser, Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Rackas Pate, Hart, Modisett, Wood, and Tomlin.**

In the matter of Consent Order File Number 2005-02444, Board v. Billy Lee Frye, t/a Frye's Home Improvements the board reviewed the Consent Order. Billy Lee Frye, t/a Frye's Home Improvements acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-260.B.27 \$500.00. A total monetary penalty of \$350.00 is hereby imposed. In addition, for the violation of Count 1 Billy Lee Frye, t/a Frye's Home Improvements agrees to successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. Billy Lee Frye also agrees to pay \$150.00 in Board costs.

**File Number
2005-02444
Billy Lee
Frye**

Upon a motion by Falwell seconded by Hollar the board ratified the consent order with a unanimous vote Members voting "Yes" were **Kinser, Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Rackas Pate, Hart, Modisett, Wood, and Tomlin.**

In the matter of Consent Order File Number 2006-01179, Board v. Paul Richardson Hoy, III, t/a Home Improvement, the board reviewed the Consent Order Paul Richardson Hoy, III, t/a Home Improvement acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-260.B.16 \$0.00 and Count 2: 18 VAC 50-22-260.B.31 \$0.00. A total monetary penalty of \$0.00 is hereby imposed. In addition, for violation of Count 1 and Count 2, Paul Richardson Hoy, III agrees to revocation of his license (2705-097982). Paul Richardson Hoy, III also agrees to pay \$150.00 in Board costs.

**File Number
2006-01179
Paul
Richardson
Hoy, III**

Upon a motion by Falwell seconded by Hollar the board ratified the consent order with a unanimous vote. Members voting "Yes" were **Kinser, Orange,**

Falwell, Hollar, Kirby, Redifer, Walton, Smith, Rackas Pate, Hart, Modisett, Wood, and Tomlin.

In the matter of Consent Order File Number 2006-01580, Board v. D & R Woodworking & Home Improvements, Inc., the board reviewed the Consent Order D & R Woodworking & Home Improvements, Inc. acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-260.B.27 \$400.00. A total monetary penalty of \$400.00 is hereby imposed. In addition, for the violation of Count 1, D & R Woodworking & Home Improvements, Inc. agrees to successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. D & R Woodworking & Home Improvements, Inc. also agrees to pay \$150.00 in Board costs.

**File Number
2006-01580
D & R
Woodwork-
ing & Home
Improvenen
ts, Inc.**

Upon a motion by Falwell seconded by Hollar the board ratified the consent order with a unanimous vote Members voting "Yes" were Kinser, Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Rackas Pate, Hart, Modisett, Wood, and Tomlin.

In the matter of Consent Order File Number 2006-00718, Board v. Hugh Joseph Grant, t/a Smithfield Fence, the board reviewed the Consent Order Hugh Joseph Grant, t/a Smithfield Fence acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-230.B \$100.00; Count 2: 18 VAC 50-22-260.B.9 \$100.00; Count 3: 18 VAC 50-22-260.B.8 \$200.00; and Count 4: 18 VAC 50-22-260.B.17 \$500.00. A total monetary penalty of \$900.00 is hereby imposed. Hugh Joseph Grant also agrees to pay \$150.00 in Board costs.

**File Number
2006-00718
Hugh Joseph
Grant**

Upon a motion by Falwell seconded by Hollar the board ratified the consent order with a unanimous vote Members voting "Yes" were: Kinser, Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Rackas Pate, Hart, Modisett, Wood, and Tomlin.

In the matter of Consent Order File Number 2005-03310, Board v. Roger And Sons Construction, Inc., t/a Roger And Sons Construction, Inc. the board reviewed the Consent Order Roger And Sons Construction, Inc., t/a Roger And Sons Construction, Inc. acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board

**File Number
2005-03310
Roger And
Sons
Construction
, Inc.**

Count 1: 18 VAC 50-22-220.B. \$0.00 and Count 2: 18 VAC 50-22-220.C. \$0.00. A total monetary penalty of \$0.00 is hereby imposed. In addition, for the violation of Counts 1 and 2, Roger And Sons Construction, Inc. agrees to the termination of its license (2705-066424) Roger And Sons Construction, Inc. also agrees to pay \$150.00 in Board costs.

Upon a motion by Falwell seconded by Hollar the board ratified the consent order with a unanimous vote Members voting "Yes" were Kinser, Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Rackas Pate, Hart, Modisett, Wood, and Tomlin.

In the matter of Consent Order File Number 2005-04749, Board v. Claude R. Hutchins, t/a Claude R. Hutchins, the board reviewed the Consent Order. Claude R. Hutchins, t/a Claude R. Hutchins acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-260.B.8 \$250.00. A total monetary penalty of \$250.00 is hereby imposed. In addition, for the violation of Count 1, Claude R. Hutchins agrees to successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. Claude R. Hutchins also agrees to pay \$150.00 in Board costs.

**File Number
2005-04749
Claude R.
Hutchins**

Upon a motion by Falwell seconded by Hollar the board ratified the consent order with a unanimous vote Members voting "Yes" were Kinser, Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Rackas Pate, Hart, Modisett, Wood, and Tomlin.

In the matter of Consent Order File Number 2006-00786, Board v. Danny Ray Brunk, Jr., t/a D B Construction, the board reviewed the Consent Order Danny Ray Brunk, Jr., t/a D B Construction acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-260.B.31 \$250.00. A total monetary penalty of \$250.00 is hereby imposed. In addition, for the violation of Count 1, Danny Ray Brunk, Jr., t/a D B Construction agrees to successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. Danny Ray Brunk, Jr., t/a D B Construction also agrees to pay \$150.00 in Board costs.

**File Number
2006-00786
Danny Ray
Brunk, Jr.**

Upon a motion by Falwell seconded by Hollar the board ratified the consent order with a unanimous vote Members voting "Yes" were Kinser, Orange,

Falwell, Hollar, Kirby, Redifer, Walton, Smith, Rackas Pate, Hart, Modisett, Wood, and Tomlin.

In the matter of Consent Order File Number 2006-01697, Board v. Southwest Sunroom & Window Co., Inc., t/a Southwest Sunroom & Window Co., Inc., the board reviewed the Consent Order Southwest Sunroom & Window Co., Inc., t/a Southwest Sunroom & Window Co., Inc. acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-260.B.6 \$100.00. A total monetary penalty of \$100.00 is hereby imposed. In addition, for the violation of Count 1, Southwest Sunroom & Window Co., Inc., t/a Southwest Sunroom & Window Co., Inc. agrees to successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. Southwest Sunroom & Window Co., Inc., t/a Southwest Sunroom & Window Co., Inc. also agrees to pay \$150.00 in Board costs.

**File Number
2006-01697
Southwest
Sunroom &
Window Co.,
Inc.**

Upon a motion by Falwell seconded by Hollar the board ratified the consent order with a unanimous vote. Members voting "Yes" were Kinser, Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Rackas Pate, Hart, Modisett, Wood, and Tomlin.

In the matter of Consent Order File Number 2006-01685, Board v. Karl B. Turner, Jr., t/a Turner's Pool And Spa Service, the board reviewed the Consent Order Karl B. Turner, Jr., t/a Turner's Pool And Spa Service acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-210 \$450.00. A total monetary penalty of \$450.00 is hereby imposed. In addition, for the violation of Count 1, Karl B. Turner, Jr., t/a Turner's Pool And Spa Service agrees to successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. Karl B. Turner, Jr., t/a Turner's Pool And Spa Service, Inc. also agrees to pay \$150.00 in Board costs.

**File Number
2006-01685
Karl B.
Turner**

Upon a motion by Falwell seconded by Hollar the board ratified the consent order with a unanimous vote. Members voting "Yes" were Kinser, Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Rackas Pate, Hart, Modisett, Wood, and Tomlin.

The Board directed staff to temporarily table attempts to establish an agreement of reciprocity with the Maryland Plumbing Board and to establish contact with Delaware, Tennessee and Kentucky for agreements. Pennsylvania was also discussed but after it was determined that the construction industry was licensed on a local level, the Board did not want to try to establish agreements with each individual county or city.

**Other Board
Business**

The Board was brought up to speed on current regulatory packages and pending legislation that would have an affect on their regulations and programs. Mr. Redifer explained to the Board pending legislation that would speed up the promulgation of new building codes and would put Virginia back to a current three year cycle, with 18 month updates.

Ms. O'Neal gave the Board a Recovery Fund update regarding the General Assembly.

**Karen
O'Neal**

Mr. Olson informed the Board regarding a second bill, requiring an eight hour business class per licensee, that's being discussed by the General Assembly. Either the Designated Employee (DE) or a member of responsible management will be required to take the classes. This will entail more work for staff. Approval of the classes will require the regulations to be amended with an emergency enactment clause allowing 280 days to get the class up and running.

Eric Olson

Mrs. Ware conveyed to the Board that she will be retiring and she has enjoyed working with the Board.

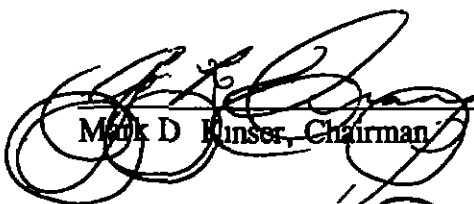
Louise Ware


Mr. Olson reminded the board members to complete their travel vouchers and Conflict of Interest forms and to give them to Karen Kenney or Sheila Watkins at the end of the meeting for processing

**Completion
of
Paperwork**

There being no further business to come before the board, the meeting was adjourned at 11 30 A.M upon a motion by Ms Wood and seconded by Mr. Falwell The vote was unanimous Members voting yes were, Kinser, Orange, Hollar, Kirby, Tomlin, Hart, Falwell, Redifer, Walton, Smith, Wood, Modisett, and Rackas Pate. There were no negative votes

**Adjourn-
ment**


Mark D. Kinser, Chairman for Mark D. Kinser


Louise Fontaine Ware, Secretary 3-28-06
Sally W. De Baer,

Copy teste:

Custodian of the Record

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Charles W. Falwell
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

NA

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- ☒ (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Charles W. Falwell
Signature

February 28, 2006
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Jeffrey Modisett
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

None

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

Carquest, Hanes & Dunn Inc Construction,

Associated General Contractors of Va.

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Jeffrey A. Modisett

Signature

February 28, 2006

Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Anthony R. Orange
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

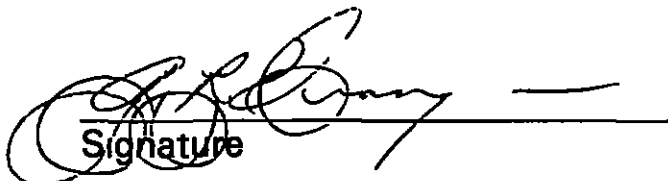
L U C C C T B E W

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

L U C C C I E W

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

February 28, 2006
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: **Mark D. Kinser**
2. Title: **Member - Board for Contractors**
3. Agency: **Department of Professional & Occupational Regulation**
4. Transaction: **CONTRACTORS BOARD MEETING**
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

(b)

I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

February 28, 2006
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

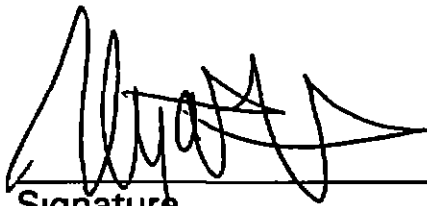
1. Name: Wyatt H. Walton, III
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

(b)

- I am able to participate in this transaction fairly, objectively, and in the public interest.



Signature

February 28, 2006
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

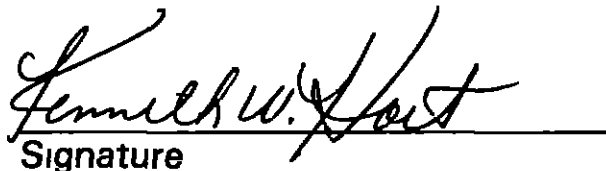
1. Name: **Kenneth W. Hart**
2. Title: **Member - Board for Contractors**
3. Agency: **Department of Professional & Occupational Regulation**
4. Transaction: **CONTRACTORS BOARD MEETING**
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

 (b)

I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

February 28, 2006
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Troy Smith, Jr.
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: **CONTRACTORS BOARD MEETING**
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Troy Smith, Jr.
Signature

February 28, 2006
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: James A. Hollar
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

HVAC - PLG - ELECT. TRADES

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

CMH INC, ACCA, PMPU, PHCC
ARI

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

James A. Hollar
Signature

February 28, 2006
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

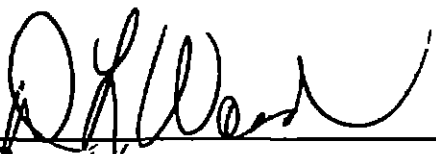
1. Name: Dorothy L. Wood
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

(b)

I am able to participate in this transaction fairly, objectively, and in the public interest.



Signature

February 28, 2006
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Robert M. Kirby
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

PRES. D. E. KIRBY, INC. Kirby & Kirby Assoc.

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

Assoc of VA, PUPOLVA, Business & Contractors
Exempt

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Robert M. Kirby
Signature

February 28, 2006
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: DEBORAH LYNN TOMLIN
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

NONE

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Deborah Tomlin
Signature

February 28, 2006
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

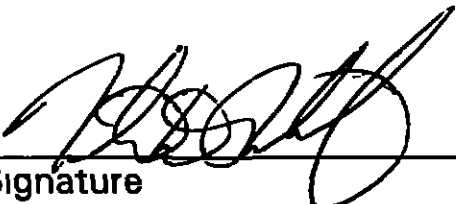
1. Name: Michael D. Redifer
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

VBLOA UPMSA ILL NFPA LAEI

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.



Signature

February 28, 2006
Date

STATE AND LOCAL GOVERNMENT

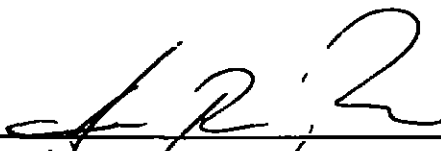
CONFLICT OF INTEREST ACT

1. Name: **Ann Rackas Pate**
2. Title: **Member - Board for Contractors**
3. Agency: **Department of Professional & Occupational Regulation**
4. Transaction: **CONTRACTORS BOARD MEETING**
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.



Signature

February 28, 2006
Date